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OFFICE OF PETITIONS

In re Application of :
Wheeler et al. :
Application No. 10/020,541 : DECISION ON PETITION
Filed: April 26, 2002 :
Attorney Docket No. :
17400 (BAR) :

This is a decision on the petition filed April 26, 2002, under 37 CFR 1.182, to permit entry of page 14 of the specification.

The petition is **granted**.

The application was filed on October 30, 2001. However, on March 26, 2002, the Office of Initial Patent Examination mailed a Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (hereinafter "Notice"), which also notified applicants that page 14 of the specification appeared to have been omitted from the application.

In response, on April 26, 2002, applicant submitted the instant petition and a Supplemental Declaration which makes reference to page 14 of the specification. The petition requests entry of page 14 of the specification as part of the original disclosure, and the application be accorded as the filing date, the date that page 14 of the specification was submitted.

The mailing of the Notice permits the applicant to either:
(1) promptly establish prior receipt in the PTO of the page(s) at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted page(s) in a nonprovisional application and accept the date of such submission as the application filing date.

Petitioner has selected option two. Accordingly, the filing date of the application is the date that page 14 of the specification was submitted, April 26, 2002.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 26, 2002, using page 14 of the specification filed on that date.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.

Christina Tartee Donnell for

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Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy